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Via Electronic Filing

October 7, 2015

Ms. Marlene H. Dortch
Secretary
Federal Communications Commission
445 12th Street SW
Washington, D.C. 20554

Re: *Ex parte* meetings in MB Docket No. 14-261

Dear Ms. Dortch:

On October 5, 2015, Al Jazeera America (AJAM) representatives Al Anstey (chief executive officer), Kate O'Brian (president), Mary Murano (executive vice president for distribution), David Harleston (executive vice president and general counsel), and the undersigned met with Commissioner Rosenworcel and her advisors Valery Galasso and Jennifer Thompson; Commissioner Pai and his chief of staff Matthew Berry; and with Robin Colwell, legal advisor to Commissioner O'Rielly. On October 6, the same representatives from AJAM along with Cathy Rasenberger with Rasenberger Media met with Phil Verveer and Maria Kirby from Chairman Wheeler's office and with Jon Sallet, General Counsel; and with the following members of the Media Bureau: Bill Lake, Michelle Carey, Mary Beth Murphy, Brendan Murray, Nancy Murphy, Jonathan Mark, Calisha Myers, and Raelynn Remy.

During these meetings, we provided a profile of AJAM, discussing its U.S. operations—with twelve bureaus across the United States—and its commitment to filling a void in the TV news landscape by providing significant amounts of hard news and in-depth objective, fact-based and informative coverage that focuses on issues of importance to a U.S. audience. The parties emphasized the core values of AJAM, including its focus on underreported stories, its building of coverage from the bottom up—using local perspectives to deepen understanding of national issues—and its emphasis on giving a voice to the voiceless. In its short existence, the representatives noted that AJAM has won two Peabody Awards, an Emmy® Award, four Overseas Press Club Awards, multiple Gracie and Webby Awards in addition to awards from the National Association of Black Journalists, National Association for Multi-ethnicity In Communications, and the Newswomen's Club of New York, among many others.

The parties then discussed how difficult it is for a true independent network to remain competitive and innovative, even with the tremendous investments that AJAM has made in its programming and distribution. AJAM today is available in 54 million homes but the challenges

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to maintain and expand that reach are profound. AJAM emphasized its commitment to the public interest, stating that it is platform agnostic and seeks to make its in-depth and fact-based reporting available to as many consumers as possible, on whatever device they may want to use. AJAM wants its content to compete in the cable marketplace as well as in the marketplace of ideas, but the representatives stressed that contractual provisions imposed upon it by nearly all MVPDs substantially frustrate AJAM's ability to innovate and compete by prohibiting AJAM from offering its content across multiple platforms. Specifically, the parties identified contractual provisions that prohibit or substantially limit the ability of AJAM to provide its content on its own website, or to over-the-top providers. The parties also outlined the anti-competitive impact of modern most-favored-nation (MFN) clauses, to which AJAM and other independent content providers are subject, highlighting the punishing economic consequences and limitations on innovation that they impose, especially by inhibiting AJAM's ability to work creatively with new distribution entrants. AJAM emphasized that those consequences frustrate the Commission goals of achieving a competitive, diverse and innovative system of content networks responsive to the needs of a U.S. audience.

Given the Commission's long standing goal of promoting competition and diversity of voices in the media marketplace, AJAM urged the Commission to initiate a notice of inquiry to examine the challenges and barriers faced by entities seeking to create and distribute independent and diverse programming. Specifically, we encouraged the Commission to review how independent and other cable programmers are faring in the current video marketplace, the contractual limitations imposed by MVPDs that inhibit inter- and intra-platform competition, and the effect of MFNs on independent programmers and their economic health and ability to innovate. In that context, the parties expressed a desire to work with the Commission to assist in its inquiry.

Please direct any questions to the undersigned.

Respectfully submitted,

/s/ Gerard J. Waldron

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Gerard J. Waldron
Counsel to Al Jazeera America

cc: Commissioner Rosenworcel
Commissioner Pai
Jon Sallet
Phil Verveer

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Maria Kirby

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